

October 2000
FACT SHEET
BHP-Minerals Navajo Coal Company
Navajo Mine
NPDES Permit No. NM0028193

I. Introduction

The existing National Pollutant Discharge Elimination System Program (NPDES) permit issued to the BHP-Minerals Navajo Coal Company (hereafter referred to as "BHP-Minerals") for the Navajo Mine on December 31, 1993 expired on December 31, 1998. On June 30, 1998, BHP-Minerals applied for renewal of its NPDES permit for discharge of wastewater into waters of the United States. Pursuant to 40 CFR 122.6, the 1993 permit has been administratively continued pending re-issuance by U.S. EPA. The Navajo Mine was initially issued the NPDES permit by U.S. EPA on March 28, 1977.

Applicant address: BHP-Minerals Navajo Coal Company
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II. Background

BHP-Minerals operates the Navajo Mine located on Navajo Nation lands in northwestern New Mexico. The Navajo Mine lease area is divided into five areas (I-V). BHP-Minerals is currently conducting surface coal mining operations, including reclamation, in areas I, II and III. Subbituminous coal produced at the Navajo Mine is supplied to the nearby Arizona Public Service Company (APS) - Four Corners Power Plant.

Although there has been no discharge since Navajo Mine received its original permit in 1977, a permit is maintained in order to provide the flexibility to discharge water to the Chaco River and Morgan Lake in the event of a major precipitation event.

Morgan Lake, a man-made cooling pond, which provides cooling water to the Four Corners Power Plant, discharges to the Chaco River, a tributary to the San Juan River, segment 2401.

III. Navajo Nation Water Quality Standards

Pursuant to the Water Quality Act of 1987 and the "EPA Policy for the Administration of Environmental Programs on Indian Reservations" (November 8, 1987), EPA will work directly with Indian Tribal governments on a one to one basis. This conforms with

the Federal Indian Policy of January 24, 1983. The Navajo Nation has received Treatment as a State (TAS) for Section 106 of the Clean Water Act (CWA) but has not applied for TAS under Section 303. Section 106 grant money is used to develop water quality standards and use designations, which must be approved under Section 303 by EPA Region 9. On September 7, 1999, the Navajo Nation completed and adopted water quality standards for the nation's waters. These water quality standards along with a TAS application under Section 303 was submitted to EPA in November 1999. In the interim until the Navajo Nation's water quality standards are approved by EPA, those water quality standards will be used on a best professional judgment basis for purposes of developing water quality-based effluent limitations.

IV. Basis of Proposed Permit Requirements

The proposed effluent limitations are based upon the effluent limitations guidelines found in "Coal Mining Point Source Category BPT, BAT, BCT Limitations and New Source Performance Standards" (40 CFR Part 434).

V. Designated Uses of the Receiving Water

The designated uses of the receiving water (Chaco River -- ephemeral, a tributary to San Juan River), as defined by the Navajo Nation's water quality standards, are primary and secondary human contact, warm water habitat, ephemeral warm water habitat, and livestock and wildlife watering (p. 20).

II Determination of Effluent Limitations and Monitoring Requirements

A. Outfalls Nos. 001 and 013 to 018 - Mine Drainage

These outfalls meet the definition of "mine drainage" in 40 CFR Part 434.11(h). The proposed permit sets discharge limits for these outfalls in accordance with the regulations for Iron (3.5 mg/l daily average and 7.0 mg/l daily maximum), Total Suspended Solids (TSS) (35 mg/l daily average and 70 mg/l daily maximum), and pH (no less than 6.0 or greater than 9.0 standard pH units). Flow volumes, iron, TSS and pH monitoring is required during any event. These requirements are consistent with those of the previous permit.

B. Outfall No. 002 - Coal Storage, Coal Preparation and Ancillary Area Runoff

This outfall meets the definition in 40 CFR 434.11(e), (f) and (g) for "coal storage, preparation and associated areas"

and the proposed permit sets limits for the outfall in accordance with the regulations that apply to such discharges. The requirements are the same as for Outfalls 001 and 003 to 018 with the addition of limitations and monitoring of manganese (2.0 mg/l daily average and 4.0 mg/l daily maximum). These requirements are consistent with those of the previous permit.

C. Reporting

The proposed permit requires discharge data obtained to be summarized and reported annually unless discharges occur. In the event that discharges occur, discharge data shall be submitted no later than the 15th day of the month following the discharge event(s). Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the Navajo Nation.

D. General Standards

The proposed permit sets general standards that are narrative water quality standards contained in the Navajo Nation Water Quality Standards, Section 203. These general standards are set forth in Section B. General Discharge Specifications of the permit.

VII. Permit Reopener

At this time, there is no reasonable potential to establish any other water quality-based limits. Should any monitoring indicate that the discharge causes, has the reasonable potential to cause, or contributes to excursions above water quality criteria, the permit may be reopened for the imposition of water quality-based limits and/or whole effluent toxicity limits. This permit may be modified, in accordance with the requirements set forth at 40 CFR 122.44 and 124.14, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new Tribal water quality standards.

VIII. Endangered Species Act

EPA has determined that discharge in compliance with this permit will have no effect on threatened or endangered species.

IX. Written Comments

Persons who wish to comment upon, object to the proposed action, or request a public hearing pursuant to 40 CFR Section 124.11 should submit their comments and requests in writing within

thirty (30) days from the date of the Public Notice, either in person or by mail to:

U.S. Environmental Protection Agency, Region IX
CWA Standards and Permits Office (WTR-5)
Attn: Linh Tran
75 Hawthorne Street
San Francisco, CA 94105
Telephone: (415) 744-1901

X. Information and Copying

The Administrative Record, which contains the draft NPDES permit, the fact sheet, comments received, and other relevant documents, is available for review and may be obtained by calling or writing to the above address.

All comments or objections received within thirty (30) days from the date of the Public Notice, will be retained and considered in the formulation of the final determination regarding the permit issuance.

XI. Public Hearing

When public interest warrants, the Regional Administrator shall hold a public hearing and such notice of hearing shall be issued by public notice at least thirty (30) days prior to the hearing date. A request for a public hearing must be in writing and must also state the nature of the issue proposed to be raised in the hearing.